

STATE OF GEORGIA

CITY OF STOCKBRIDGE

RESOLUTION NO.

R18-940

A RESOLUTION TO AUTHORIZE A CONDITIONAL USE AT 2750 HIGHWAY 42 NORTH LAND LOT 1 OF THE 11TH DISTRICT; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING RESOLUTIONS; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to authorize certain conditional uses at a certain property located within the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Resolution.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY RESOLVES:

Section 1. That the use of 2750 Highway 42 North Land Lot 1 of the 11th District as a funeral home is an approved conditional use subject to the conditions set forth in the staff report attached hereto as Exhibit A.

Section 2. The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.


Section 4. All resolutions and parts of resolutions in conflict herewith are hereby expressly repealed.

Section 5. Penalties in effect for violations of the Zoning Ordinance of the City of Stockbridge at the time of the effective date of this Resolution shall be and are hereby made applicable to this Resolution and shall remain in full force and effect.

Section 6. The effective date of this Resolution shall be the date of adoption unless otherwise specified herein.

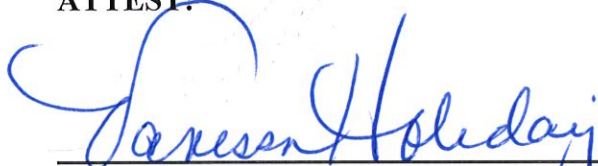
RESOLVED this 22nd day of May, 2018.

CITY OF STOCKBRIDGE, GEORGIA




Anthony S. Ford, Mayor

ATTEST:



Vanessa Holiday, City Clerk

APPROVED AS TO FORM:



Michael Williams, City Attorney

EXHIBIT A
STAFF REPORT



Conditional Use Evaluation Report
City of Stockbridge Zoning Advisory Board
CU-18-05-COS

Applicant: Reggie Sylvain 128
Bayberry Hills
McDonough, GA 30253
(404) 578-5654

Agent: Arkos Engineering
125 Westridge Industrial
McDonough, GA 30253
(770) 474-1487

Location: 2750 Highway 42 North Land Lot 1
of the 11th District

Parcel ID: 069-01008021

Request: Conditional Use for funeral home in C-2 (General Commercial) zoning

**Proposed Use
/Purpose:** Funeral home

Current Land Use: RE/MAX Office

Future Land Use: Commercial Sign Posted: April 25, 2018,
ZAB Meeting: May 17, 2018

Lot Size: 1.395 +/- acres

Road Access: Highway 42 North and East Lake Parkway (major arterials)

Zoning History:

The subject property is currently zoned C-2 (General Commercial). The property was rezoned from M-1 (Light Manufacturing) to C-2 (General Commercial) in conjunction with another request on October 20, 1996, by the Henry County Board of Commissioners:

HENRY COUNTY PLANNING AND ZONING DEPARTMENT
RECOMMENDATION

APPROVAL: *Conditional Use For Funeral Home*

City of Stockbridge Planning & Zoning Department
RECOMMENDATION
Approval W/Conditions

City of Stockbridge Planning Commission
May 17, 2018
RECOMMENDATION
APPROVAL W/CONDITIONS

CITY OF STOCKBRIDGE MAYOR/COUNCIL
May 22, 2018
ACTION:

RECOMMENDATION

APPROVAL FOR A CONDITIONAL USE PERMIT FOR A FUNERAL HOME. The applicant is requesting a conditional use to allow a funeral home facility in an existing building formerly used as a bank. The subject property is zoned C-2 (General Commercial) consisting of 1.395+/- acres. The Stockbridge Unified Development Code (UDC) allows funeral homes to be located within a C- 2 zoning district with an approved conditional use and following the supplemental standards of *Section 4.03.08*.

Should the Planning Commission and Mayor/Council **APPROVE** the Application, it should be subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by Mayor and Council.

1. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on April 3, 2018. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.



Conditional Use Evaluation Report
City of Stockbridge Zoning Advisory Board

HENRY COUNTY PLANNING & ZONING

CU-18-05-S

**City of Stockbridge
Staff Report By:**

Zane Grennell, Planner I

Applicant:

Reggie Sylvain
128 Bayberry Hills
McDonough, GA 30253
(404) 578-5654

Agent:

Arkos Engineering
125 Westridge Industrial
McDonough, GA 30253
(770) 474-1487

Location:

2750 Highway 42 North
Land Lot 1 of the 11th District

Parcel ID:

069-01008021

Request:

Conditional Use for funeral home in C-2 (General Commercial) zoning

**Proposed Use
/Purpose:**

Funeral home

Current Land Use:

RE/MAX Office

Future Land Use:

Commercial

Sign Posted:

April 25, 2018

ZAB Meeting:

May 17, 2018

Lot Size:

1.395 +/- acres

Road Access:

Highway 42 North and East Lake Parkway (major arterials)

Zoning History:

The subject property is currently zoned C-2 (General Commercial). The property was rezoned from M-1 (Light Manufacturing) to C-2 (General Commercial) in conjunction with another request on October 20, 1996, by the Henry County Board of Commissioners with the following conditions:

1. Minimum right-of-way of 110 to 120 feet on Eagles Landing Parkway;
2. \$10,000 contribution for traffic signal at the intersection of Hwy. 42 and Eagles Landing Parkway;

3. Assist in the connecting sewer to Henry County Fire Station #3 via the proposed RM development;
4. Boulevard entrance on single family and multi-family developments;
5. Creation of a bus loading area located within the multi-family development;
6. Proposed development unit sizes of 1,200 to 1,400 square foot minimum, priced between \$90,000 to 110,000; and
7. Commercial buildings will be architecturally compatible with surrounding neighborhood and details of their facades and landscaping will need to be presented when development plans are submitted.

The property also falls within the Eagles Landing Master Plan. Table 1.0 illustrates the zoning and current land uses for the adjacent properties.

Table 1.0 Current Zoning and Land Uses of Adjacent Properties

Current Zoning		Current Land Use
North	C-2 (General Commercial)	Office
East	C-2 (General Commercial)	Undeveloped
South	C-2 (General Commercial)	CVS Pharmacy
West	C-2 (General Commercial)	Package Store

Source: City of Stockbridge Zoning Map

Executive Summary:

The applicant is requesting a conditional use to allow a funeral home facility in an existing building formerly used as a bank. The subject property is zoned C-2 (General Commercial) consisting of 1.395+/- acres. The Stockbridge Unified Development Code (UDC) allows funeral homes to be located within a C-2 zoning district with an approved conditional use and following the supplemental standards of *Section 4.03.08*.

UDC Development Regulations Relevant to Request:

- *Section 11.05.00 - Conditional Uses*
- *Section 4.03.08 – Funeral homes, mortuaries and crematoriums*

Section 11.05.02. Requirements for Conditional Uses.

Criteria Point 1: The proposed use shall not cause traffic congestion or conditions that will adversely affect other nearby properties.

The use of a funeral home will be similar to the amount of traffic that a commercial development would create, although it would have higher peak traffic.

Criteria Point 2: *The physical conditions of the site, including topography, drainage and size and shape, are suitable for the proposed development.*

The property is currently developed and would be able to accommodate the use.

Criteria Point 3: *Adequate public facilities are available to serve the proposed use.*

Water and Sewer:

A letter from the Henry County Water Authority, dated March 19, 2018, states that the site has water and sewer service available.

Vehicular and Pedestrian Circulation:

Section 4.03.08 of the UDC states that, "adequate off-street vehicle queuing spaces shall be provided for funeral processions so that no vehicle stands in a dedicated right-of-way. A minimum off-street vehicle stacking distance of one hundred (100) feet shall be provided."

Criteria Point 4: *The applicant has made a binding agreement for any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.*

Staff is not aware of any binding agreements for specific limitations or conditions. If approved, the applicant will be required to comply with any zoning conditions placed on the request by the Mayor and Council for the City of Stockbridge.

Criteria Point 5: *The conditional use with specific limitations and design features as may have been required will further the aims of the comprehensive plan and will not be unduly detrimental to nearby properties.*

A funeral home may be considered on a case-by-case basis in the C-2 (General Commercial) zoning district with an approved conditional use and must meet the development standards as well as any previous conditions placed on the property.

Recommendation:

Staff recommends **Approval** of this request.

Attachments:

- Application
- Letter of Intent
- Site Plan/Survey
- Map Exhibits
- Sign Photo

**Henry County Planning & Zoning
Conditional Use Request Application**

Name of Applicant REGGIE SYLVAIN Phone: 404.570.5654 Date: _____
Address Applicant: 128 BAYBERRY HILLS Fax _____ Pager/Cell # _____
City: McDonough State: GA Zip: 30253 E-mail: _____
Name of Agent ARKOSE Phone: 770.474.1487 Date: _____
Address Agent: 125 WESTMOGE INDUSTRIAL BLVD. Fax 770.474.7487 Pager/Cell # _____
City: McDonough State: GA Zip: 30253 E-mail: rob111@hchbc@gmail.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS

The property will be POSTED with a Henry County Planning and Zoning Sign. The sign must remain on the subject property for no less than fifteen days prior to either ZAB and/or BOC meeting(s). The applicant or property owner shall not remove or alter the sign for any reason. _____ Acknowledgement

Conditional use being requested FUNERAL HOME

Address of Property: 2750 HWY 42 N, McDonough, GA

Nearest intersection to the property: GA HWY 42 & EAGLES LANDING PARKWAY
(Street Address)

Size of Tract: 1.39 acre(s), Land Lot Number(s): 1, District(s): 11

Property Tax Parcel Number: 069-010-080-21 (Required)

Witness Signature

Signature of Applicant/s

CHARLES LICHUM
Printed Name of Witness

REGGIE SYLVAIN
Printed Name of Applicant/s

Patricia D Hashemijam
Notary

Patricia D Hashemijam
Signature of Agent



(For Office Use Only)

Total Amount Paid \$400.00 Check # 3192 Received by: [Signature] (FEES ARE NON-REFUNDABLE)

Application checked by: ZGRENNELL Date: 4/3/18 Map Number(s): 69

Pre-application meeting: ZGRENNELL Date: 3/21/18

Zoning Advisory Board Decision: _____

BOC Decision: _____

Planning Director's Signature: _____ Date: _____

**RAGS ENTERPRISES
128 Bayberry Hills
McDonough, GA 30253**

March 9, 2018

To Whom This May Concern:

**As the purchases of the property located at 2750 Hwy 42 North,
McDonough, GA, my intentions are to convert this building into a
Funeral home. This is property is located in District 11 Land Lot 1.**

Thanks,

A handwritten signature in black ink, appearing to read 'Reggie Sylvain', with a long horizontal stroke extending to the right.

Reggie Sylvain

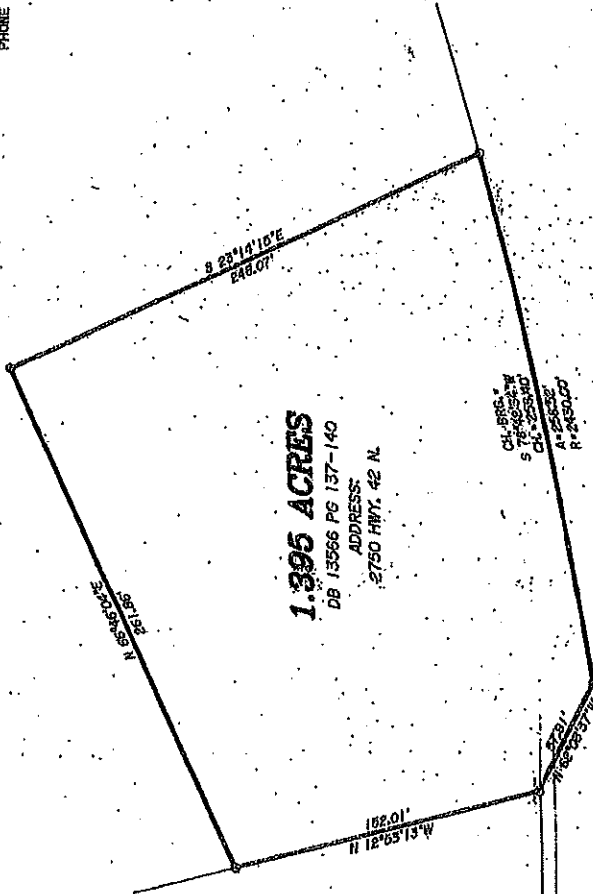
EXHIBIT "B"

DRAWING MADE FOR:
THE REAL ESTATE ADVANTAGE, LLC
 PROPERTY LOCATED IN:
 LAND LOT 1 * 11TH DISTRICT
 HENRY COUNTY * GEORGIA
 SCALE: 1" = 50' * 12-16-2016



R/W VARIES
 STATE ROUTE # 42

PREPARED BY:
 J.B. PRINCE ASSOCIATES, INC.
 LAND SURVEYORS
 110 NORTH BERRY STREET
 STOCKBRIDGE, GA 30281
 PHONE N (770-557-4614)



R/W VARIES
 EAST LAKE ROAD

NOTE:
 THIS PLAT IS MADE FROM
 OTHER SOURCES AND DOES NOT
 REPRESENT AN ACTUAL FIELD SURVEY.



JOB #: 121616BU

PREPARED BY:
J.B. PRINCE & ASSOCIATES INC.
LAND SURVEYORS
125 WESTMINSTER INDUSTRIAL BLVD.
SUITE 100
ATLANTA, GA 30328-4614
PHONE NO. 770-457-4614

THIS MAP OR PLAN HAS BEEN CALLED AND
RECORDED IN THE PUBLIC RECORDS OF THE
COUNTY OF HENRY, GEORGIA, IN THE
FIELD DATA BOOK WHICH THIS SURVEY
IS BASED UPON. A CLOSE PRECISION OF THE
FIELD DATA WAS OBTAINED BY THE
SURVEYOR'S PERSONAL OBSERVATION OF THE
LAND AND WAS ADJUSTED BY THE LEAST SQUARES RULE.

THE EQUIPMENT USED TO
MAKE THIS SURVEY WAS A
TOPCON SET 3000 TOTAL STATION.

THIS PLAN IS A RESTATUTMENT OF AN EXISTING PARCEL OR
NEW PARCEL OF LAND AND DOES NOT SUBDIVIDE OR CREATE A
NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY
DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS ON RECORD.
RECORDATION OF THIS PLAN DOES NOT IMPLY APPROVAL
OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS,
COMPLIANCE WITH LOCAL ORDINANCES, OR ANY USE OR PURPOSE OF THE LAND.
FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES
THAT THIS PLAN COMPLIES WITH THE MINIMUM TECHNICAL
STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET
FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA
BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND
LAND SURVEYORS AND AS SET FORTH IN G.S.A. SECTION
13-2-91.

JONATHAN B. PRINCE, R.L.S. #3244

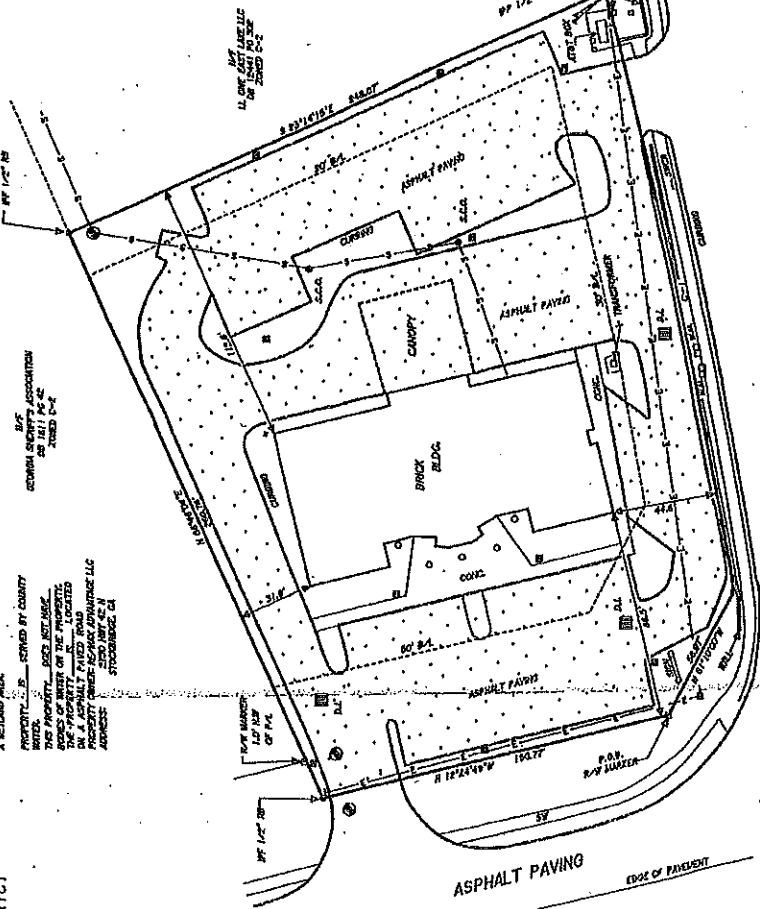


1.392 ACRES
60,656 SQ. FT.
DB 15197 PG 254
ZONED C-2
TAX ID #: 058-01-008-021
ADDRESS: 42790

IF YOU DO GEORGIA...
CALL US FIRST!
UNLESS PROTECTION ORDER
IT'S THE LAW



NOTES:
PROPERTY IS LOCATED IN THE
BIG CANYON / LITTLE CANYON RIVER CREEK
WATER AND PROTECTION OF A SCENIC
VIEW AREA. THIS PROPERTY IS NOT LOCATED IN
A RICHLAND AREA.
PROPERTY IS OWNED BY COUNTY
NOTES:
THIS PROPERTY DOES NOT HAVE
A DEED OR DEED OF TRUST. IT IS LOCATED
ON AN ASPHALT PAVED ROAD
ADDRESS: 42790 HWY 42 N
STOODBORO, GA



ASPHALT PAVING

EAST LAKE PARKWAY
92' R/W

CHORD 240'00" 125'00" 55'00" 22'10" 24'00" 3'70"00"00"

AS-BUILT
SURVEY MADE FOR:
REGGIE SYLVAN
PROPERTY LOCATED IN:
LAND LOT 1 * 11TH DISTRICT
HENRY COUNTY, GEORGIA
Scale: 1" = 30' 04-03-2018

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE
USE OF THAT NAME APPEARING IN THE TITLE
BLOCK AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

THIS SURVEY WAS PREPARED WITHOUT THE
THE ASSISTANCE OF ANY OTHER SURVEYOR.
THE RECORDS OF THE COUNTY OF HENRY, GEORGIA,
OF RECORD MAY NOT BE SHOWN OTHERWISE.

THE FIELD WORK WAS COMPLETED ON 04-03-2018.
THE PLAN WAS COMPLETED ON 04-03-2018.
THE PLAN WAS COMPLETED ON 04-03-2018.
THE PLAN WAS COMPLETED ON 04-03-2018.

STATE ROUTE #42
U.S. HWY #23
R/W VARIES

LEGEND

P.C.B.	POINT OF BEGINNING
1	IRON PIN PLACED
2	IRON PIN PLACED
3	IRON PIN PLACED
4	IRON PIN PLACED
5	IRON PIN PLACED
6	IRON PIN PLACED
7	IRON PIN PLACED
8	IRON PIN PLACED
9	IRON PIN PLACED
10	IRON PIN PLACED
11	IRON PIN PLACED
12	IRON PIN PLACED
13	IRON PIN PLACED
14	IRON PIN PLACED
15	IRON PIN PLACED
16	IRON PIN PLACED
17	IRON PIN PLACED
18	IRON PIN PLACED
19	IRON PIN PLACED
20	IRON PIN PLACED
21	IRON PIN PLACED
22	IRON PIN PLACED
23	IRON PIN PLACED
24	IRON PIN PLACED
25	IRON PIN PLACED
26	IRON PIN PLACED
27	IRON PIN PLACED
28	IRON PIN PLACED
29	IRON PIN PLACED
30	IRON PIN PLACED
31	IRON PIN PLACED
32	IRON PIN PLACED
33	IRON PIN PLACED
34	IRON PIN PLACED
35	IRON PIN PLACED
36	IRON PIN PLACED
37	IRON PIN PLACED
38	IRON PIN PLACED
39	IRON PIN PLACED
40	IRON PIN PLACED
41	IRON PIN PLACED
42	IRON PIN PLACED
43	IRON PIN PLACED
44	IRON PIN PLACED
45	IRON PIN PLACED
46	IRON PIN PLACED
47	IRON PIN PLACED
48	IRON PIN PLACED
49	IRON PIN PLACED
50	IRON PIN PLACED
51	IRON PIN PLACED
52	IRON PIN PLACED
53	IRON PIN PLACED
54	IRON PIN PLACED
55	IRON PIN PLACED
56	IRON PIN PLACED
57	IRON PIN PLACED
58	IRON PIN PLACED
59	IRON PIN PLACED
60	IRON PIN PLACED
61	IRON PIN PLACED
62	IRON PIN PLACED
63	IRON PIN PLACED
64	IRON PIN PLACED
65	IRON PIN PLACED
66	IRON PIN PLACED
67	IRON PIN PLACED
68	IRON PIN PLACED
69	IRON PIN PLACED
70	IRON PIN PLACED
71	IRON PIN PLACED
72	IRON PIN PLACED
73	IRON PIN PLACED
74	IRON PIN PLACED
75	IRON PIN PLACED
76	IRON PIN PLACED
77	IRON PIN PLACED
78	IRON PIN PLACED
79	IRON PIN PLACED
80	IRON PIN PLACED
81	IRON PIN PLACED
82	IRON PIN PLACED
83	IRON PIN PLACED
84	IRON PIN PLACED
85	IRON PIN PLACED
86	IRON PIN PLACED
87	IRON PIN PLACED
88	IRON PIN PLACED
89	IRON PIN PLACED
90	IRON PIN PLACED
91	IRON PIN PLACED
92	IRON PIN PLACED
93	IRON PIN PLACED
94	IRON PIN PLACED
95	IRON PIN PLACED
96	IRON PIN PLACED
97	IRON PIN PLACED
98	IRON PIN PLACED
99	IRON PIN PLACED
100	IRON PIN PLACED

BASED ON THE INFORMATION SHOWN ON
THE RECORDS OF THE COUNTY OF HENRY,
GEORGIA, THE SURVEYOR HAS BEEN
INFORMED BY THE FEDERAL EMERGENCY
MANAGEMENT AGENCY, IT IS THE POLICY
OF THE AGENCY TO PROTECT THE
THE 100 YEAR FLOOD HAZARD AREA.
PANEL 2 - STRUCTURE DATE 10-02-2015

Legend

Request

CU-18-05-S

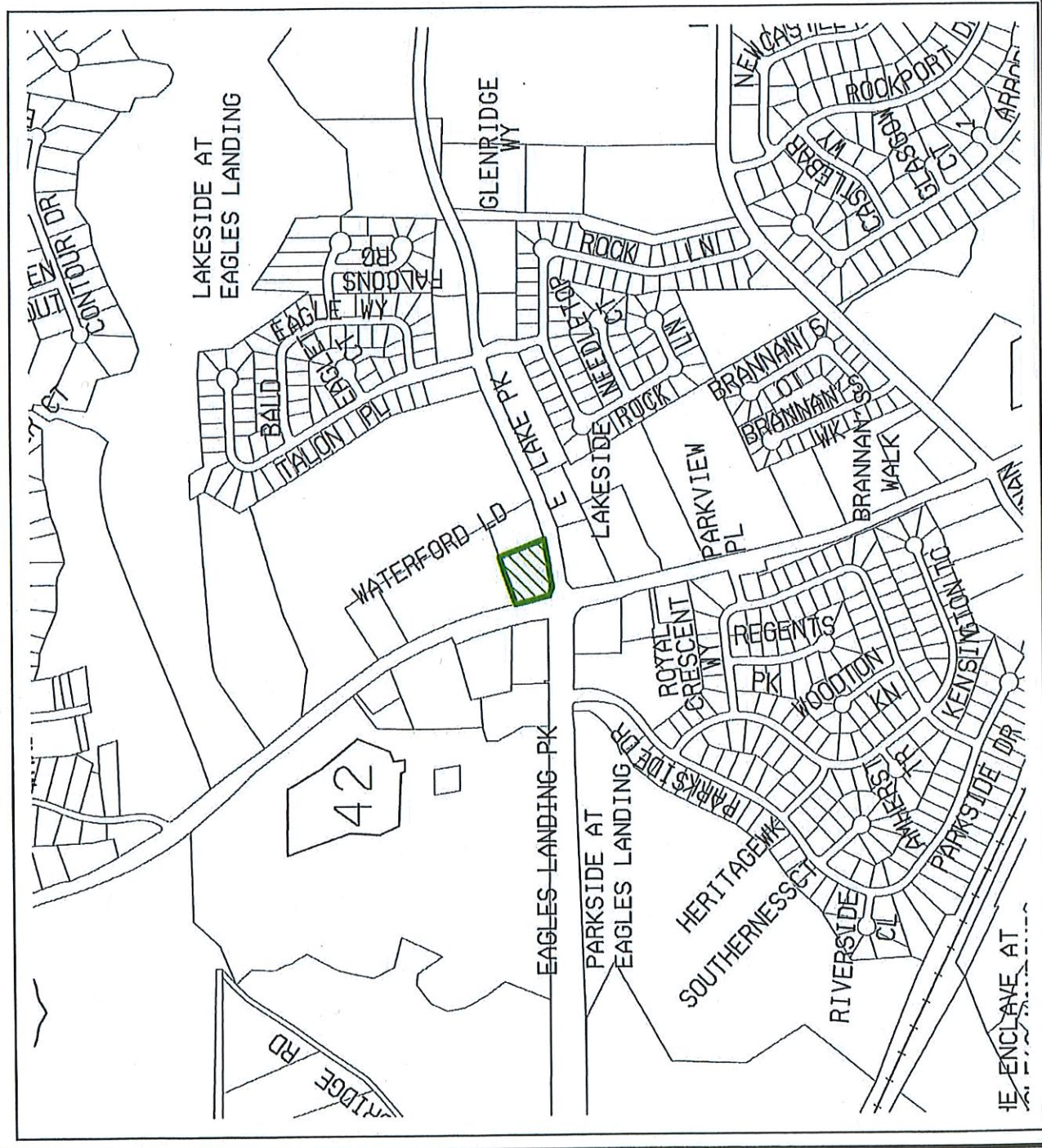


TAX MAP

Scale: 1" = 800'



This map is for graphical representation only. It is not a legal document.





Legend

Request

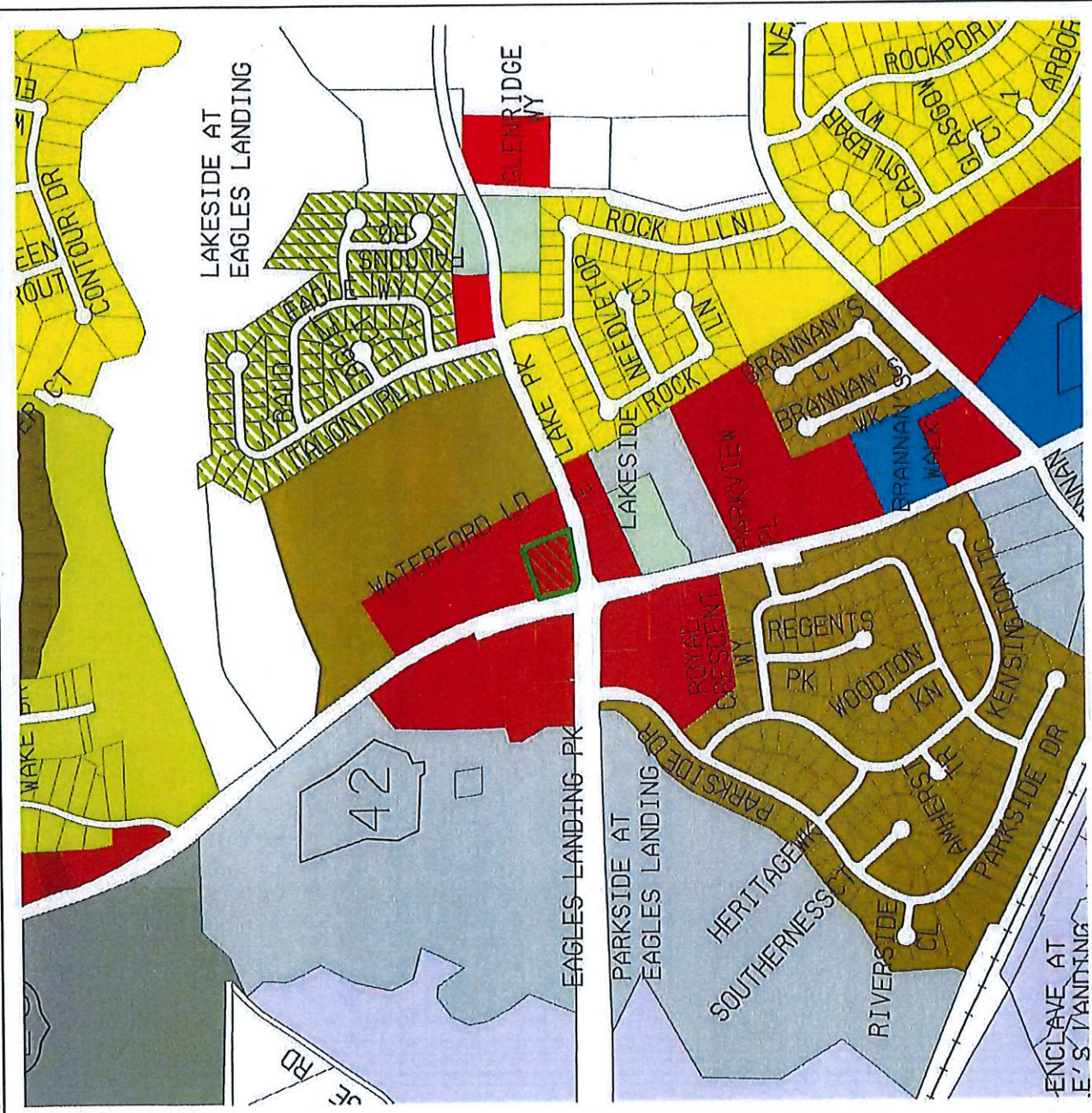
CU-18-05-S

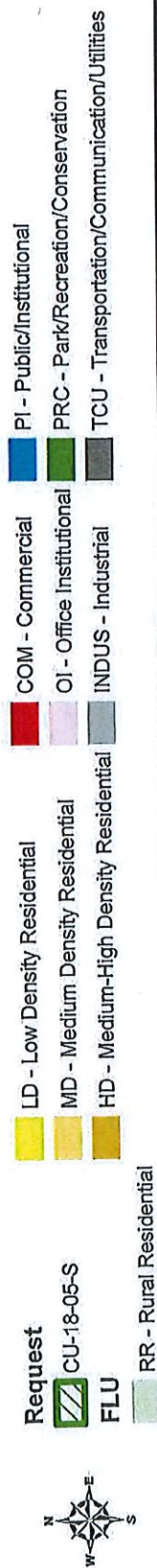
- RA
- R-1
- R-2
- R-3
- R-4
- RD
- RM
- RMH
- OI
- C-1
- C-2
- C-3
- M-1
- M-2
- PD
- CITY

Scale: 1"= 800'

Current Zoning Map

This map is for graphical representation only. It is not a legal document.



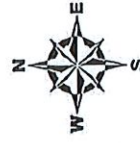


Request

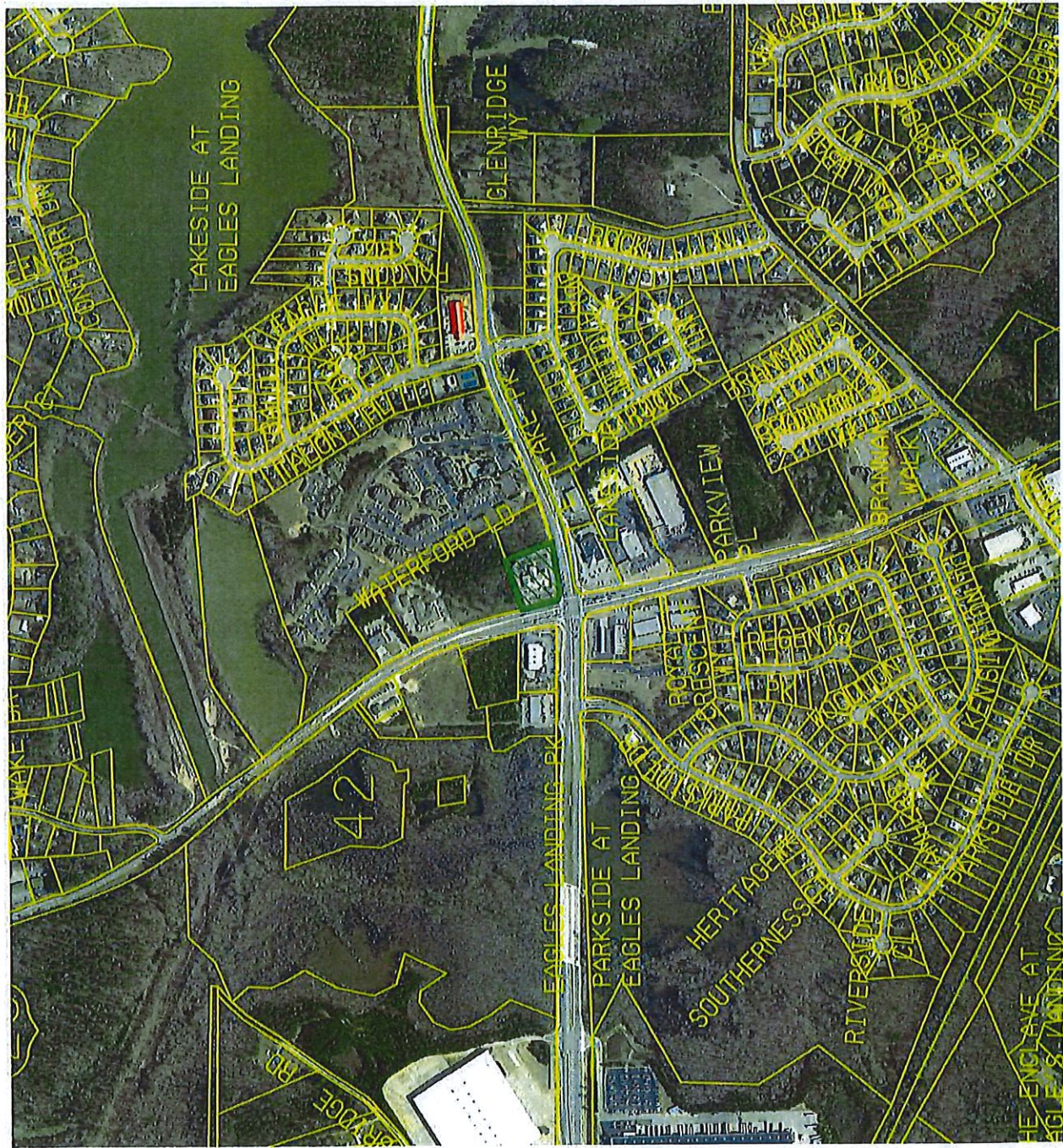
CU-18-05-S



Scale: 1"= 800'



This map is for graphical representation only. It is not a legal document.





CONDITIONAL USE

CITY OF STOCKBRIDGE PUBLIC HEARING
RE: Funeral Home in C2
DATE: ~~18~~ May 17 (COUNCIL June 11)
TIME: 6:00 PM
LOCATION: Stockbridge City Hall
4640 North Henry Blvd., Stockbridge, GA
FOR MORE INFO:
770-288-7526 / www.hdpz.org

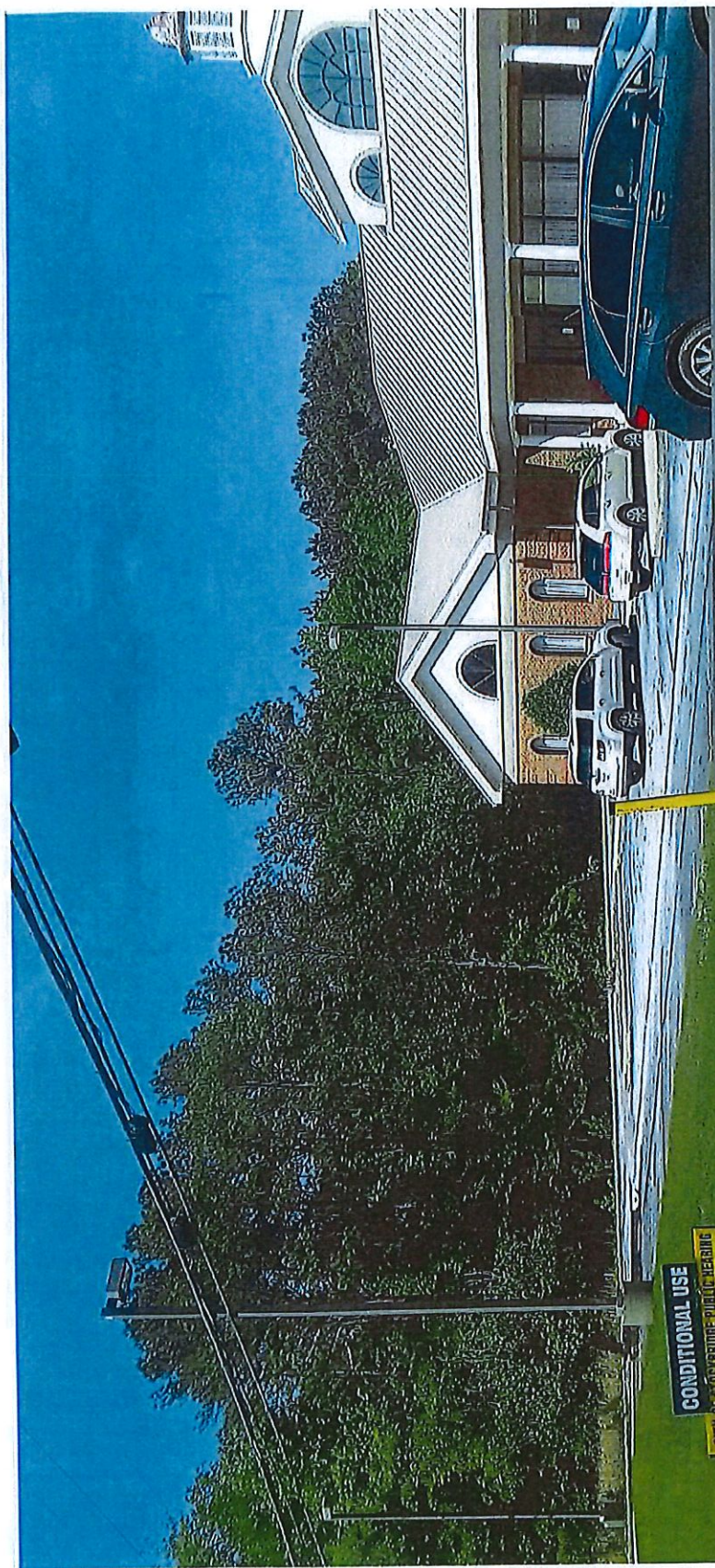
Date

April 27, 2018 3:57 PM

Location

(33.518890, -84.191109)





CONDITIONAL USE
CITY OF STOCKBRIDGE PUBLIC HEARING
RE: Funeral Home in C2
DATE: MAY 11, 2018
TIME: 6:00 p.m.
LOCATION: Stockbridge City Hall
4940 North Henry Blvd., Stockbridge, GA
FOR MORE INFO: call 770-288-7525 / www.dcpz.org

Date

April 27, 2018 3:57 PM

Location

(33.518890, -84.191109)

